

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tahreem Khan	Team: Squad #11	CCRB Case #: 201902464	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/21/2019 3:30 AM	Location of Incident: § 87(2)(b)	Precinct: 70	18 Mo. SOL 9/21/2020	EO SOL 5/8/2021	
Date/Time CV Reported Thu, 03/21/2019 6:31 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 03/21/2019 6:31 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Marika Williams	04520	961581	070 PCT
2. LT Yael Magori	00000	942099	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Amy Johnson	26550	965224	070 PCT
2. POM Christophe Lodispoto	00206	949173	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Yael Magori	Abuse: Lieutenant Yael Magori threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.POF Marika Williams	Abuse: Police Officer Marika Williams took a photograph of § 87(2)(b)'s identification.	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On March 21, 2019, § 87(2)(b) filed her online complaint with CCRB.

On March 21, 2019, at approximately 3:30 a.m., § 87(2)(b) who is § 87(2)(b) § 87(2)(b)'s tenant, called the police because he did not have access to their shared apartment. Lieutenant Yael Magori, Police Officer Christopher Lodispoto, Police Officer Marika Williams, and Police Officer Amy Johnson responded. Lt. Magori threatened to arrest § 87(2)(b) § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g) PO Williams allegedly took a photo of § 87(2)(b)'s photo identification (**Allegation B: Abuse of Authority**, § 87(2)(g) § 87(2)(g), § 87(4-b)

§ 87(2)(b) was not arrested during this incident, nor was she issued a summons.

Body-Worn Camera footage, sent by the New York City Police Department, was obtained on July 26, 2019.

On June 16, 2019, this case was reassigned from Investigator Yolexis Rodriguez to Investigator Tahreem Khan after Investigator Rodriguez's departure from the agency.

Findings and Recommendations

Allegation (A) Abuse of Authority: Lieutenant Yael Magori threatened to arrest § 87(2)(b)

§ 87(2)(b) called the police because he was locked outside of § 87(2)(b)'s apartment where he was renting a room (BR 01). PO Johnson and PO Williams responded to the call (BR 03, 09). As it was late at night, Lt. Magori and PO Lodispoto accompanied PO Johnson and PO Williams on their call. After arriving at the location, Lt. Magori interviewed § 87(2)(b). A few minutes later, § 87(2)(b) Lt. Magori, and the three other officers went upstairs to § 87(2)(b)'s apartment.

§ 87(2)(b) was inside of her apartment when she heard a knock on her door (BR 01). Once she opened the door, she saw § 87(2)(b) her roommate, along with Lt. Magori, PO Lodispoto, PO Williams, and PO Johnson. § 87(2)(b) had called the police because § 87(2)(b) had changed the apartment lock as § 87(2)(b) had not paid rent for four months prior to the incident date.

§ 87(2)(b) stated that § 87(2)(b) had resided in their shared apartment for three years (BR 01). Lt. Magori told § 87(2)(b) that she needed to give § 87(2)(b) a key to the apartment. § 87(2)(b) explained that she did not have a spare key at the moment but could get another key for § 87(2)(b) in the morning (BR 01). § 87(2)(b) notified Lt. Magori that she had given § 87(2)(b) a 30-day notice to vacate the premises, which he did not do. Lt. Magori stated that if § 87(2)(b) wanted to evict § 87(2)(b) then she needed to take § 87(2)(b) to landlord-tenant court, and a city marshal needed to evict him if he did not leave (BR 02). Once again, Lt. Magori asked § 87(2)(b) if she will give § 87(2)(b) a key for the apartment, and if she did not, then she would be arrested for illegally evicting § 87(2)(b). § 87(2)(b) stated that she did not have a spare key for the apartment at the moment, but she could provide § 87(2)(b) with a key in the morning so that he may go make a copy (BR 01). Lt. Magori then asked § 87(2)(b) for identification. Although § 87(2)(b) asked for a reason why Lt. Magori needed her identification,

Lt. Magori did not provide a reason. After about five or six minutes, § 87(2)(b) retrieved her identification from her jacket that was near the doorway and provided it to an officer.

Lt. Magori stated that once § 87(2)(b) entered the apartment, she asked § 87(2)(b) for her photo identification (BR 02). § 87(2)(b) asked Lt. Magori if she was under arrest. Lt. Magori stated that although § 87(2)(b) was not under arrest, she still needed her identification card, and if she did not provide it, then she would need to come back to the stationhouse with Lt. Magori (BR 02). Lt. Magori needed § 87(2)(b)'s identification to verify she was the lease holder of the apartment.

It is illegal to change the lock on an entrance door without providing an occupant with a key. Officers can arrest an individual if the violator cannot be identified or refuses to allow the occupant entry into the dwelling NYPD Patrol Guide Procedure 214-12 (BR 04).

§ 87(2)(g)

Allegation (B) Abuse of Authority: Police Officer Marika Williams took a photograph of § 87(2)(b)'s identification.

According to PO Williams' BWC (BR 06), from the 05:14 mark to the 05:19 mark, Lt. Magori told her officers that she was going to get § 87(2)(b)'s identification and told her officers to put that information on the fly sheet of their memo books (BR 06). From the 06:26 mark to the 06:52 mark, § 87(2)(b) provided her identification card to Lt. Magori, who then gave it to PO Johnson, who then gave it to PO Williams. According to Lt. Magori's BWC (BR 05), from the 06:36 mark to the 06:54 mark, PO Williams took a picture of § 87(2)(b)'s identification.

In her first CCRB interview, PO Williams (BR 08) did not recall if she took a photo or scan of § 87(2)(b)'s identification, she stated that under the circumstances, § 87(2)(b)'s identification would not be scanned. During PO Williams' second CCRB interview (BR 09), PO Williams did not independently recall herself or any other officer taking a photo of § 87(2)(b)'s identification. She did, however, state that it was possible that it is possible that a photo of § 87(2)(b)'s identification was taken as PO Williams had § 87(2)(b)'s information on the fly sheet of her memo book. After reviewing Lt. Magori's BWC (BR 05), PO Williams stated in her re-interview (BR 09) that she did not independently recall taking a photo of § 87(2)(b)'s identification, but in the video, she saw herself take a photo of § 87(2)(b)'s identification. PO Williams stated that she took the photo on her personal device because she was instructed by Lt. Magori to take down § 87(2)(b)'s information. PO Williams did not recall why she needed § 87(2)(b)'s information. PO Williams was unsure if she had her department-issued cell phone on her person at the time she photographed § 87(2)(b)'s identification.

Lt. Magori (BR 02) stated in her interview that the purpose of her officers having § 87(2)(b)'s information was to ensure that moving forward if PO Johnson and PO Williams were to receive any more calls from that location, then they would have § 87(2)(b)'s information.

According to NYPD Patrol Guide Procedure 203-06 (BR 07), police officers are permitted to use Department smartphones or tablets to photograph or record any enforcement encounter. Further, police officers are prohibited from using personal electronic or digital devices to take any photographs during any enforcement encounter.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED].

§ 87(2)(g), § 87(4-b)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Civilian and Officer CCRB Histories

- § 87(2)(b) has no prior CCRB complaints (BR 13).
- Lt. Magori has been a member of service for thirteen years and has been a subject in eight other CCRB complaints and sixteen allegations, only CCRB Case Number 200810467 was substantiated for a Discourtesy – Word allegation. § 87(2)(g)
[REDACTED]
- PO Williams has been a member of service for three years and has been a subject in three other CCRB complaints and four other allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
[REDACTED].

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of December 19, 2019, the New York City office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (BR 16).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date